

Deficiency Progress Report – Update 2

Report Submitted: March 21, 2008

CUPA: Glenn County Air Pollution Control District

Evaluation Date: September 26 and 27, 2007

Evaluation Team:

Kareem Taylor, Cal/EPA
Jack Harrah, OES
Marci Christofferson, SWRCB
Francis Mateo, OSFM

Corrected Deficiencies: 1, 2, 4, 7, 8, 10

Next Progress Report (Update 3) Due: June 23, 2008

Please update the deficiencies below that remain in progress.

1. **Deficiency:** The CUPA did not report all of its regulated facilities on the Annual Single Fee (Report 2) and Annual Inspection (Report 3) Summary Reports for fiscal year (FY) 06/07.

Specifically, the CUPA did not report all of its agricultural handlers regulated under the business plan program.

Preliminary Corrective Actions: By December 27, 2007, revise the CUPA's FY 06/07 Annual Summary Reports 2 and 3 to include all the agricultural handlers regulated by the CUPA.

Submit revision to Cal/EPA along with the CUPA's first status report.

CUPA's 1st Update (11-30-07): Our agricultural handlers were hand counted to find a total of 458 regulated under the business plan program. This information along with the number of Ag facilities inspected and the fees collected were added to Reports 2 and 3. The Agricultural handlers will be added to a separate CUPA-DMS database for easier tracking and recordkeeping.

Cal/EPA's 1st Response: Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

2. **Deficiency:** The CUPA's Inspection and Enforcement Plan is missing an enforcement notification procedure for appropriate confidentiality.

Preliminary Corrective Actions: By December 27, 2007, revise the CUPA's Inspection and Enforcement Plan to include an enforcement notification procedure for appropriate confidentiality.

Submit revision to Cal/EPA along with the CUPA's first status report.

CUPA's 1st Update (11-30-07): An enforcement notification procedure for appropriate confidentiality has been added to the Inspection and Enforcement Plan.

Cal/EPA's 1st Response: Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

3. **Deficiency:** The CUPA has not met the mandated inspection frequency for the HMRRP program.

Preliminary Corrective Actions: By September 27, 2009, and annually thereafter, the CUPA will inspect at least one third (33% per year) of its HMRRP facilities, including agricultural handlers.

By March 27, 2008, the CUPA must develop a plan to insure that each HMRRP facility, including agricultural handlers, is inspected once every three years.

CUPA's 1st Update (11-30-07): An additional part time inspector is being considered and the agricultural biologists will increase their inspections to help increase our inspection totals. An exemption for certain agricultural handlers with limited storage is also being formulated.

Cal/EPA's 1st Response: On the next status report, report the total number of HMRRP facilities inspected for FY 07/08.

CUPA's 2nd Update (3-21-08): Approximately 100 facility inspections have occurred since July 1, 2007.

Cal/EPA's 2nd Response: Out of the 787 HMBP facilities noted in the CUPA's FY 06/07 Annual Inspection Summary Report, the CUPA has inspected 100 facilities (or 13%) so far in FY 07/08. The CUPA's goal should be to inspect approximately 259 facilities (or 33%) each year. The additional workload due to the farm inspections may require the CUPA hire more staff if current staff are unable to meet the HMBP inspection frequency. The CUPA is actively working to address this deficiency by requiring staff to increase their HMBP inspections and by possibly hiring a part-time inspector. Please continue to increase HMBP inspections by

adding more staff and/or by increasing staff inspection levels. Please refer to OES's comments.

- **OES's Response:** On the next update, please continue to report on inspections performed, exemptions granted, and determinations that handlers may not be subject to the program, as appropriate.

CUPA's 3rd Update: [Enter update here](#)

4. **Deficiency:** The CUPA is not collecting enough revenue to cover the cost of implementing Glenn's Unified Program.

Preliminary Corrective Actions: By July 27, 2008, submit a FY 07/08 revenue/expenditures report to Cal/EPA.

This deficiency will be considered corrected if the total revenue equals at least 90% of the total CUPA expenses.

CUPA's 1st Update (11-30-07): Our fee schedule is currently under revision and will go to the board early next year after we hold a public comment period.

Cal/EPA's 1st Response: Before the 2007 evaluation, the CUPA has recognized this deficiency and has implemented a plan to increase the County's fees. On the next status report, update Cal/EPA on the outcome of the fee increase proposal.

CUPA's 2nd Update (3-21-08): Our revised fee schedule was passed by our Board of Supervisors on February 19, 2008. A plan to re-visit the fee schedule will next occur when we go to the board to implement fees for the Aboveground Petroleum Storage Tank program in late 2009 or early 2010.

Cal/EPA's 2nd Response: After further review of this deficiency, Cal/EPA has determined that the CUPA may use other funds (General Fund, Enforcement Settlement funds, etc.) in addition to CUPA fees to cover the necessary and reasonable costs of implementing the UP. Cal/EPA does recommend that the CUPA use UP fees collected to fund a majority of its program costs. Other monies used to fund the UP such as enforcement settlement and General Fund money are historically unstable and the CUPA's use of these funds diverts money from other programs. The CUPA has already increased its fees and will continue to do so as needed so that a majority of Glenn's UP will be funded by UP fees.

This deficiency is considered corrected.

5. **Deficiency:** The CUPA is not collecting the state surcharge along with its local fees from agricultural handlers.

Preliminary Corrective Actions: By October 27, 2007, the CUPA must begin collecting the state surcharge as part of its single fee from agricultural handlers. The state surcharge should be collected annually.

CUPA's 1st Update (11-30-07): All agricultural handlers will now be billed annually and a state surcharge will be collected.

Cal/EPA's 1st Response: When will the CUPA invoice agricultural handlers next year? If invoices are sent out before the next status report, submit a copy of two agricultural handler invoices to Cal/EPA along with the next status report. The copies can be by email in pdf. format.

CUPA's 2nd Update (3-21-08): Our new CUPA-DMS agricultural facility database was installed on February 15, 2008 and we are currently inputting data. A fee increase for Agricultural handlers was passed by our board on February 19, 2008 and we have to wait at least 30 days before we can bill out. We expect to bill out by the end of March or the first of April. A copy of two agricultural handler invoices are included for review.

Cal/EPA's 2nd Response: The attachment sent with the two agricultural handler invoices did not appear to have any documents. Cal/EPA requests that the CUPA resend the attachment. The state surcharge should be collected from ag handlers annually.

CUPA's 3rd Update: Enter update here

6. **Deficiency:** The CUPA has not met the requirement of obtaining inventories or inventory certifications from each business plan facility on an annual basis. Specifically, inventories from agricultural handlers are obtained at the time of inspection (once every three years).

Preliminary Corrective Actions: By September 27, 2008, the CUPA should collect inventories or inventory certifications from all business plan facilities, including agricultural handlers, annually.

By March 27, 2008, the CUPA must develop a plan to insure that inventories or inventory certifications are received annually from all business plan participants.

CUPA's 1st Update (11-30-07): The agricultural handlers are going to be added to their own CUPA DMS database and will be billed annually and be required to submit an inventory certification annually.

Cal/EPA's 1st Response: On the next status report, report the total number of HMRRP facilities that have submitted their annual inventory or inventory certifications for 2008.

CUPA's 2nd Update (3-21-08): Approximately 78 facilities have submitted an annual inventory certification. These are the facilities that visited our office to update their pesticide permits. All other agricultural facilities will be sent an annual inventory certification with the billing statements in late March or early April.

Cal/EPA's 2nd Response: Please refer to OES's response.

- **OES's response:** Along with the next update, please report the number of inventory certifications received. Since these were sent out with the billing, most of them should return with an inventory or certification.

CUPA's 3rd Update: Enter update here

7. **Deficiency:** The CUPA does not have a CalARP dispute resolution procedure.

Preliminary Corrective Actions: By November 27, 2007, the CUPA must develop a dispute resolution procedure that addresses all of the elements of Title 19 section 2780.1.

CUPA's 1st Update (11-30-07): A dispute resolution procedure is now in place for CalARP facilities.

Cal/EPA's 1st Response: Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

8. **Deficiency:** The CUPA has not been conducting an annual CalARP performance audit.

Preliminary Corrective Actions: By November 27, 2007, and annually thereafter, the CUPA must perform a CalARP performance audit. This information may be included with the annual Title 27 self-audit.

CUPA's 1st Update (11-30-07): A CalARP performance audit was performed for the Fiscal Year 2006-2007 and integrated into our annual Program Evaluation.

Cal/EPA's 1st Response: By January 10, 2008, submit a copy of the CUPA's CalARP performance audit report for FY 06/07 that contains all the elements of Title 19, Section 2780.5.

CUPA's 2nd Update (3-21-08): The Cal-ARP performance audit was incorporated into our 2006-2007 self-audit and was submitted by e-mail to Kareem Taylor on January 8, 2008.

Cal/EPA's 2nd Response: Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

- 9. Deficiency:** The UST Permit to Operate generated by the CUPA's DMS shows monitoring requirements for the tanks, but does not show the monitoring requirements for the piping.

Preliminary Corrective Actions: By December 27, 2007, add the monitoring requirements used for the piping to the Permit to Operate, including UDC monitoring, leak detectors, etc.

CUPA's 1st Update (11-30-07): The CUPA-DMS program is currently being updated to include the piping monitoring on the Permit-to-Operate and will be available soon.

Cal/EPA's 1st Response: On the next status report, update Cal/EPA on the progress towards correction of this deficiency.

CUPA's 2nd Update (3-21-08): Our CUPA-DMS database was recently updated and the monitoring requirements for piping are now included on the UST Permit to Operate. A copy of a new Permit to Operate is included with this update.

Cal/EPA's 2nd Response: The attachment sent with UST permit did not appear to have anything in it. Cal/EPA requests that the CUPA resend the revised UST permit attachment that includes the monitoring requirements for piping.

CUPA's 3rd Update: Enter update here

- 10. Deficiency:** Some of the plot plans reviewed did not show the monitoring locations of the tanks, piping, etc.

Preliminary Corrective Actions: During the UST inspections, update the facility map/plot plan that shows the monitoring locations of the tank system.

By December 27, 2007, submit two facility map/plot plans to Cal/EPA that contain monitoring locations of the tank system.

CUPA's 1st Update (11-30-07): Facility maps are now being updated, if necessary, during annual inspections. 2 maps are included 1 drawn at an inspection and 1 submitted by a Designated Operator of a Facility that had a change of ownership.

Cal/EPA's 1st Response: Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.